

|                               |                              |                  |
|-------------------------------|------------------------------|------------------|
| <b>Notice of Allowability</b> | Application No.              | Applicant(s)     |
|                               | 09/846,374                   | TALAGALA ET AL.  |
|                               | Examiner<br>John P Trimmings | Art Unit<br>2133 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Appeal filed 10/4/2004.
2.  The allowed claim(s) is/are 1-4,6-19,21-34,36-49 and 51-60, renumbered as 1-56.
3.  The drawings filed on 3/4/2004 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review ( PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

*ALBERT DECADY*  
SUPERVISORY PATENT EXAMINER

**DETAILED ACTION**

Claims 1-4,6-19,21-34,36-49 and 51-60 are pending.

**RESPONSE TO APPLICANT APPEAL**

Applicant's arguments with respect to claims 1-4,6-19,21-34,36-49 and 51-60 in the appeal brief of 10/4/2004 have been considered, but are moot in view of Examiner's Amendment below. In the amendment below, a limitation in each independent claim was added which specified detection of a vertical redundant error, which the examiner has determined to be the patentable feature. The discussion with the applicant representative focused on this particular feature, and it was agreed that each of the independent claims be amended to recite this feature, which was not clear in the prior versions of the claims. The amendments below therefore provide a clear recitation of the invention not heretofore cited in the applicant's original and amended claims. And in view of the amendment below, the examiner's rejection of said claims under 35 USC 112 1<sup>st</sup> paragraph is withdrawn.

**EXAMINER'S AMENDMENT**

The examiner, in a telephone interview with the applicant's representative, B. Noel Kivlin, on 12/2/2004 (see attached Interview Summary), has agreed to amending the Claims 1, 16, 31 and 46.

The application has been amended as follows:

1. Claim 1 line 5 is amended to recite, "in response to detection ~~an indication~~ of a data integrity error in at least one vertical redundant relationship of the plurality of data blocks, determining...".
2. Claim 16 line 8 is amended to recite, "such that in response to detection ~~an indication~~ of a data integrity error in at least one vertical redundant relationship of the plurality of data blocks, said array... "".
3. Claim 31 line 3 is amended to recite, "detecting a data integrity error in at least one of a plurality of data blocks having a vertical redundant relationship";, and line 4 is deleted, "~~having a horizontal redundant relationship~~";.
4. Claim 46 line 9 is amended to recite, "is configured such that in response to ~~an indication~~ detection of a data integrity error in at least one of the first type of redundant relationships in the plurality of data blocks, said array...".
5. And in view of the withdrawal of the 112(1) rejections, and examiner's amendment to Claims 1, 16, 31 and 46, the examiner has agreed to an allowance of all pending claims (1-4,6-19,21-34,36-49 and 51-60). See below.

#### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

The prior arts of record taken alone, or in combination failed to teach, anticipate, suggest, or render obvious the claimed invention or the method steps of the application. Specifically, the prior arts failed to teach, anticipate, suggest, or render obvious; detection of at least one data integrity error in at least one vertical redundant

Art Unit: 2133

relationship of a plurality of data blocks. Consequently, Claims 1, 16, 31 and 46 are allowed over the prior arts of record. Claims 2-4, 6-15, 17-19, 21-30, 32-34, 36-45, 47-49 and 51-60 are directly or indirectly dependent upon Claims 1, 16, 31 and 46, and therefore are also allowable over the prior arts of record. In total, Claims 1-4, 6-19, 21-34, 36-49 and 51-60 are allowed and renumbered as Claims 1-56.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P Trimmings whose telephone number is 703-305-0714. The examiner can normally be reached on Monday through Thursday, 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on 703-305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John P Trimmings  
Examiner  
Art Unit 2133

jpt



ALBERT DECARLO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100